



General Assembly

January Session, 2005

Raised Bill No. 6747

LCO No. 3680

* HB06747JUD 041505 *

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING REGIONAL CHILDREN'S PROBATE COURTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) For the purposes of this section, "children's matters" means;
4 [guardianship] (1) Guardianship matters under sections 45a-603 to 45a-
5 625, inclusive; [] (2) termination of parental rights matters under
6 sections 45a-706 to 45a-719, inclusive; [] (3) adoption matters under
7 sections 45a-724 to 45a-733, inclusive, 45a-736 and 45a-737; [] (4)
8 claims for paternity under section 46b-172a; [] (5) emancipation
9 matters under sections 46b-150 to 46b-150e, inclusive; [] and (6)
10 voluntary admission matters under section 17a-11.

11 (b) The Probate Court Administrator shall, within available
12 resources, establish a regional children's probate court [pilot program]
13 in a [single] region that shall consist of the probate districts of New
14 Haven, Branford, East Haven, Hamden, Milford, North Branford,
15 North Haven, Orange, West Haven and Woodbridge. In establishing
16 such [pilot program] court, the Probate Court Administrator shall

17 consult with the probate judges of such districts, each of whom may
18 participate [in such pilot program] on a voluntary basis.

19 (c) In addition to the court established under subsection (b) of this
20 section, the Probate Court Administrator may establish six additional
21 regional children's probate courts in regions designated by the Probate
22 Court Administrator. In establishing such courts, the Probate Court
23 Administrator shall consult with the probate judges of the districts
24 located in each designated region, each of whom may participate on a
25 voluntary basis.

26 (d) [Within the region designated under this subsection, the] The
27 Probate Court Administrator may establish a regional children's
28 probate court under this section in (1) any existing probate court
29 facility within a district located in [the] a region, or (2) a separate
30 facility located in [the] a region as may be designated by the Probate
31 Court Administrator. [The] Each regional children's probate court shall
32 be established and operated with the advice of the participating
33 probate judges of such districts and the administrative judge
34 appointed under subsection [(d)] (g) of this section. Such participating
35 probate judges and administrative judge shall serve as the judges of
36 the regional children's probate court, except as provided in subdivision
37 (1) of subsection [(d)] (g) of this section. Such judges shall hear and
38 determine all children's matters as may come before them on a docket
39 separate from other probate matters.

40 (e) (1) For the purposes of this section, the Probate Court
41 Administrator may, subject to the provisions of section 45a-84, expend
42 from the Probate Court Administration Fund established under section
43 45a-82 such amounts as the Probate Court Administrator may deem
44 reasonable and necessary for the establishment, improvement or
45 maintenance of court facilities and operations in order to facilitate the
46 consolidation of court functions and operations of any probate districts
47 or combination of probate courts.

48 (2) Nothing in this section shall be construed to relieve any town of

49 its obligation to provide and maintain court facilities pursuant to
50 section 45a-8.

51 [(c)] (f) The Probate Court Administrator may, subject to the
52 provisions of section 45a-84, expend moneys from the Probate Court
53 Administration Fund [established under section 45a-82] to pay for
54 necessary improvements of a facility designated as [the] a regional
55 children's probate court under [subsection (b) of] this section, to pay
56 operating expenses of [the] a regional children's probate court and to
57 reimburse participating towns or cities for any costs of leasing office
58 space for [the] a regional children's probate court, and any necessary
59 improvements thereto, and for expenses under subsection [(d)] (g) of
60 this section.

61 [(d)] (g) (1) The Probate Court Administrator, with the advice of the
62 participating probate judges of the districts [set forth in subsection (b)
63 of this section] located in the designated region, shall appoint an
64 administrative judge for [the] each regional children's probate court.
65 The administrative judge shall be a probate judge at the time of such
66 appointment. If the administrative judge ceases to serve as a probate
67 judge after such appointment, the administrative judge may continue
68 to serve as administrative judge at the pleasure of the Probate Court
69 Administrator, but shall not have the powers granted to an elected
70 probate judge and shall not hear and determine children's matters
71 before [the] such regional children's probate court. Subject to the
72 approval of the Chief Court Administrator, the Probate Court
73 Administrator shall fix the compensation of the administrative judge
74 and such compensation shall be paid from the [fund established under
75 section 45a-82] Probate Court Administration Fund. Such
76 compensation, together with the administrative judge's compensation
77 as a probate judge of the district to which he or she was elected, shall
78 not exceed the compensation provided under subsection (k) of section
79 45a-92. The administrative judge shall have such benefits as may inure
80 to him or her as a probate judge and shall receive no additional
81 benefits, except for compensation provided under this section.

82 (2) [The] Each administrative judge shall be responsible for the
 83 management of cases, coordination of social services, staff, financial
 84 management and record keeping for the regional children's probate
 85 court for which the administrative judge is appointed. The
 86 administrative judge may, with the approval of the Probate Court
 87 Administrator, purchase furniture, office supplies, computers and
 88 other equipment and contract for services that the administrative judge
 89 may deem necessary or advisable for the expeditious conduct of the
 90 business of the regional children's probate court. Such expenses shall
 91 be paid for pursuant to section 45a-8. If a separate facility for [the] a
 92 regional children's probate court is established pursuant to subdivision
 93 (2) of subsection [(b)] (d) of this section, the participating town or city
 94 shall be reimbursed for such expenses from the Probate Court
 95 Administration Fund upon presentation of vouchers to the Probate
 96 Court Administrator.

97 [(e)] (h) [The] Each administrative judge for [the] a regional
 98 children's probate court may, with the approval of the Probate Court
 99 Administrator, employ such persons as may be required for the
 100 efficient operation of the regional children's probate court. Such
 101 employees shall be employees of the regional children's probate court
 102 and shall be entitled to the benefits of probate court employees under
 103 this chapter. Such employees shall not be deemed to be state
 104 employees.

105 [(f) (1) Except as provided in subdivision (2) of this subsection: (A)]

106 (i) Any probate court within [the] a region designated under
 107 subsection (b) or (c) of this section may transfer children's matters to
 108 the regional children's probate court for such region. [; and (B) the]
 109 Any regional children's probate court may accept transfers and
 110 referrals of children's matters from probate courts within [the] its
 111 region.

112 [(2) No new children's matters shall be transferred or referred to or
 113 filed with the regional children's court on or after July 1, 2007. Nothing

114 in this subdivision shall be construed to affect the power of the judges
115 of the regional children's court to hear and decide, or exercise
116 continuing jurisdiction over, children's matters brought before the
117 regional children's court prior to said date.]

118 [(g) The] (j) Each regional children's probate court shall be
119 considered a probate court for the purposes of this chapter.

120 [(h)] (k) The Probate Court Administrator shall establish policies
121 and procedures to implement the [pilot program established under]
122 provisions of this section. On or before January 3, 2007, the Probate
123 Court Administrator shall submit a report concerning the operation
124 and effectiveness of [such pilot program, including any
125 recommendations for the continuation and expansion of such pilot
126 program,] the regional children's probate courts established under this
127 section to the joint standing committee of the General Assembly
128 having cognizance of matters relating to the judiciary, in accordance
129 with section 11-4a.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	45a-8a
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JUD *Joint Favorable*